

PATENT

Docket No. D0932-00428
[FCS-8855]**III. Remarks****A. Allowable Subject Matter**

Applicant is grateful to the Examiner for allowing Claims 25 and 26 and for finding that Claims 12-14 and 20 would be allowable if rewritten in their independent form.

Claim 14 has been canceled and its features amended into independent Claim 9. It is submitted, therefore, that independent Claim 9 and Claims 10-13 and 16, which depend from Claim 9, are allowable as suggested by the Examiner.

Claim 21 has been canceled and its features amended into independent Claim 17. It is submitted, therefore, that independent Claim 17 and Claims 18-20 and 22-24, which depend from Claim 17, are allowable as suggested by the Examiner.

B. Rejection under 35 U.S.C. § 102

The Action rejects Claims 1-5, 8-10, 16, 27 and 28 as being anticipated by U.S. Patent No. 6,044,609 to Kim.

It is submitted that the rejection of Claims 9, 10 and 16 is moot, as these claims are allowable as set forth above.

Independent Claim 27 has been amended to recite that the siding panel is configured "such that said vertical wall provides support for said rear face when fasteners are driven through said clapboard siding panel and into said vertical wall through said second portion." This feature is also recited in allowed independent Claim 25. It is submitted that this feature materially distinguishes the claimed panel from the art of record. Reconsideration and withdrawal of the rejection of Claims 27 and 28, which depends from Claim 27, are respectfully requested.

Independent Claim 1 has been amended to recite that the panel has a thickened portion proximate a top end of said panel forming a protruding first area in said rear face having a planar

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first face that is shaped to sit substantially flush with a portion of a vertical wall. This feature is best seen at area 10A of panel 100 in FIG. 4 of the present disclosure. Turning to the Examiner's rejection and with reference to the annotated figure in the Action, it is submitted the first area (FA) of Kim identified by the Examiner does not include a "thickened portion" proximate to a top end of the panel, nor a thickened portion that forms a "protruding first area" having a planar face that is shaped to sit substantially flush with a portion of a vertical wall.

It is submitted that amended Claim 1 now recites features that materially distinguish it from Kim and the other prior art of record. Reconsideration and withdrawal of the rejection of Claim 1 and Claims 2-5 and 8, which depend from Claim 1, are respectfully requested.

C. Rejection under 35 U.S.C. § 103

The Action rejects Claims 6, 7 and 15 as being obvious from Kim. Claims 6 and 7 depend from Claim 1, which is allowable as set forth above. Claim 15 depends from Claim 9, which is also allowable as set forth above. Accordingly, reconsideration and withdrawal of the rejection of these claims are respectfully requested.

The Action rejects Claim 11 as being obvious from Kim in view of U.S. Patent No. 2,231,006 to Harshberger. Claim 11 depends from Claim 9, which is allowable as set forth above. Reconsideration and withdrawal of the rejection of Claim 11 are respectfully requested.

D. New Claims

New Claims 29 and 30 have been added and recite that the siding panel is a fiber cement siding panel. Claim 29 depends from Claim 27, which is allowable as set forth above. Claim 30 depends from Claim 25, which is also allowable as set forth above. Examination and allowance of these claims are respectfully requested.

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IV. Conclusion

In view of the foregoing remarks and amendments, Applicant submits that this application is in condition for allowance at an early date, which action is earnestly solicited.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account 04-1679.

Respectfully submitted,

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